

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.3.3
Eastern Division**

Keenan Brown

Plaintiff,

v.

Case No.: 1:21-cv-01769

Honorable Matthew F. Kennelly

McDonald's Restaurants of Illinois, Inc.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Sunday, December 19, 2021:

MINUTE entry before the Honorable Matthew F. Kennelly: The Court previously dismissed plaintiff's federal claim under 42 USC 1981 but overruled defendant's motion to dismiss plaintiff's state-law claim. The Court also concluded that plaintiff had met the requirements for diversity jurisdiction and otherwise overruled defendant's motion to dismiss. The Court ordered defendant to answer plaintiff's remaining claim. Defendant has now moved to delay the filing of its answer and asks to limit discovery only to the question of whether plaintiff can satisfy the \$75,000 amount in controversy requirement for diversity jurisdiction. Though the Court's written order did not specifically address this issue in denying the motion to dismiss, the Court addressed it directly in the telephone hearing on 12/10/2021, overruling defendant's contention that plaintiff cannot meet the amount in controversy requirement, at least for pleading purposes. As defendant itself notes, the standard is a demanding one: it must be "legally certain" that the plaintiff will be unable to recover therequisite jurisdictional amount. The Court remains unpersuaded by defendant's argument given the nature of the injuries claimed, including plaintiff's demand for punitive damages based on what he contends was racially discriminatory conduct by an employee of the defendant. Defendant may of course take discovery directed to the amount in controversy issue and may file an appropriate motion if it believes it can establish to a legal certainty that plaintiff, even if successful on his claim(s), will be unable to recover more than \$75,000. The Court will not, however, have the entire case wait for defendant to pursue this issue. Defendant's motion for extension of time to file its answer [32] is denied. (mk)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at ***www.ilnd.uscourts.gov***.